

REMARKS

This Amendment is submitted in response to the outstanding Office Action dated January 3, 2006, and in view of the Examiner's remarks in the Advisory Action mailed July 15, 2005. Favorable reconsideration of the application, and a Notice of Allowance, are respectfully requested.

Pending Claims

The pending claims in the application are claims 19, 22, 41 and 42. Applicants believe that the Office Action is incorrect in stating that only claims 19 and 22 are pending. Claims 41 and 42 were added in the Amendment filed July 5, 2005. The Advisory Action dated July 15, 2005 stated that the amendments of the July 5 Amendment were entered. Claim 41 is similar to claim 19 except that the language has been modified to more directly describe the load-elongation property of the mat in relation to a load applied to the paved surface, as suggested by the Examiner at page 6 of the Office Action dated May 9, 2005.

Withdrawal of Claims 39 and 40/Entry of New Claims 43 and 44

New claims 43 and 44 are being submitted to replace claims 39 and 40 which were withdrawn from consideration. As Applicants argued in the Amendment filed July 5, 2005, claim 39 (now claim 43) should be considered because it is simply a combination of claim 19 and dependent claim 21. The Examiner decided that claims 19 and 21 were in the same group VI in the original restriction requirement dated July 14, 2004. Applicants respectfully submit that it would be unfair at this point in the prosecution to reverse the original decision and require further restriction of the claims; the original restriction requirement already restricted the claims into seven groups. Therefore, Applicants respectfully request that new claims 43 and 44, and previously submitted claim 42, be considered by the Examiner and not withdrawn.

Prior Art Rejection

Claims 19 and 22 were rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 4,362,780 to Marzocchi et al.

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In contrast to the amended claims, Marzocchi et al. neither teaches nor suggests a method of applying a nonwoven mat produced from a mixture of mineral fibers and polymer fibers. Marzocchi et al. discloses the use of fibers made from glass, rock, slag, ceramic or aluminum silicate. There is no suggestion of polymer fibers.

Moreover, it would not be obvious to modify the Marzocchi et al. fibers to include polymer fibers in a mixture with mineral fibers. Marzocchi et al. intend to produce a mat that is "board-like", "rigid" or "semi-rigid". During manufacture, the mat is asphalt-impregnated and the asphalt is set or congealed, thereby adding rigidity to the mat. Thus, it would not be obvious to produce a more elongatable and more flexible mat by incorporating polymer fibers in the mat.

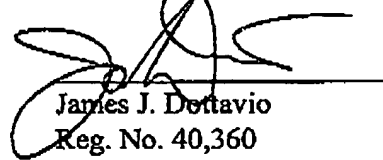
Further, there is no suggestion in Marzocchi et al. to produce a mat from a mixture of mineral fibers and polymer fibers, where the mat has a load-elongation property such that it achieves at least 90% of its ultimate load at an elongation not greater than 5% of its length in the direction of applied tensile stress. The load-elongation property deserves patentable weight because it is a physical property of the mat that is important for the proper functioning of the mat in the claimed method. Without this physical property, the mat would not be as effective in improving the paved surface.

The claims also differ from Marzocchi et al. in reciting that the liquefied asphalt penetrates and soaks the mat. The Marzocchi et al. mat is pre-impregnated with asphalt during its manufacture, and the asphalt is set or congealed. Consequently, when the Marzocchi et al. mat is applied over liquefied asphalt on a surface, the liquefied asphalt does not penetrate and soak the mat. The liquefied asphalt is not drawn into the mat because the mat has been previously impregnated with asphalt and the asphalt has been set or congealed. The asphalt already impregnating the mat acts as a barrier that resists penetration of the mat by the liquefied asphalt.

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In view of the above remarks, Applicants have shown that the claims are in proper form for allowance, and the invention, as defined in the claims, is neither disclosed nor suggested by the prior art. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection and allowance of all claims.

Respectfully submitted,



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Date: March 10, 2006